

### **REMARKS**

Supplementing the amendments and remarks made in the January 20, 2004, Response to Office Action, Applicant has amended claims 1, 13, 14 and 23 and added new claims 32-35.

After entry of this amendment, claims 1-3, 10-24 and 31-35 will be pending.

Applicant appreciates the courtesies extended by Examiner Maki to Applicant's representative during the telephone interview of January 26, 2004. No agreement was reached during the interview, but the outstanding rejections were reviewed and Examiner Maki indicated that any supplemental amendments would be considered if received before action was taken on the January 20, 2004, Response. As indicated during the interview, a summary of the interview need not be submitted with this response and is therefore not included.

#### **Amended Specification**

In the specification, the paragraph beginning at page 6, line 7, has been amended to correct minor editorial problems.

#### **Amended Claims 13 and 14**

Claims 13 and 14 have been amended in response to the Office action's rejection of those claims under § 112 and further in response to suggestions given by Examiner Maki in the January 26, 2004, interview. As amended, claims 13 and 14 particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Therefore, withdrawal of the rejection as to claims 13 and 14 is respectfully requested.

#### **Amended Claims 1 and 23**

Independent claims 1 and 23 are amended to include the recitation of "the tear depth being...at least 0.5 mm" and other related features.

The applied references, either alone or in combination, do not teach or suggest each and every feature recited in claims 1 and 23. Therefore, withdrawal of the rejection as to claims 1 and 23 are respectfully requested.

Japan '710, Caretta and Japan '418, whether considered alone or in combination, do not teach or even suggest a tear depth as recited in claims 1 and 23. Specifically, the references do not show a web tearing into a tear depth down from the outer surface of the tread with the tear

depth being at least 0.5 mm, as recited in claim 1. Furthermore, the references do not show surface tear points with the surface tear point depth being at least 0.5 mm and remaining constant as the tire wears out, as recited in claim 23.

Because there is no teaching or suggestion of providing a tear depth, and particularly not a specific tear depth as claimed, the rejected claims would not have been obvious in view of the applied references. Rather, the claims that have been rejected are directed to a unique subject matter with features not present in or suggested by the applied references, and thus these claims should be allowed.

For at least the same reasons, the respective dependent claims are also allowable. Withdrawal of the rejection is respectfully requested.

#### **New Claims 32-35**

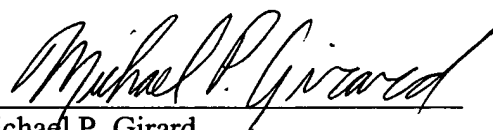
New claims 32-35 are added to provide alternative claimings. Independent claim 32 is directed towards a tread of a vehicle tire with a novel and non-obvious arrangement of pattern blocks, slits, webs, surface tear points, nubs and other features. Claims 33 and 34 depend from claim 32. Independent claim 35 is directed towards a tread of a vehicle tire with novel and non-obvious features, such as "substantially uniformly deforming webs" which "deform at a substantially constant rate as a height of the webs decreases as the tire wear out."

#### **CONCLUSION**

Based on the foregoing, Applicant respectfully submit that the current claims are drawn to allowable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place this application in better condition for allowance, the Examiner is requested to contact Applicant's representative by telephone.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Michael P. Girard  
Registration No. 38,467

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446